

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #6	CCRB Case #: 201705651	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 07/06/2017 8:10 PM	Location of Incident: § 87(2)(b)	Precinct: 09	18 Mo. SOL 1/6/2019	EO SOL 1/6/2019	
Date/Time CV Reported Thu, 07/06/2017 9:24 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/12/2017 12:20 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Ricardo Montilla	5419	947270	PSA 4
2. POM Steven Weber	02345	954418	PSA 4
3. POF Tiffany Bruce	16044	944211	PSA 4

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kevin Chan	07805	960355	PSA 4

Officer(s)	Allegation	Investigator Recommendation
A.POF Tiffany Bruce	Abuse: Police Officer Tiffany Bruce entered § 87(2)(b) in Manhattan.	
B.SGT Ricardo Montilla	Force: Sergeant Ricardo Montilla used physical force against § 87(2)(b) and individuals.	
C.SGT Ricardo Montilla	Abuse: Sergeant Ricardo Montilla threatened to arrest § 87(2)(b) and individuals.	
D.POM Steven Weber	Force: Police Officer Steven Weber used physical force against § 87(2)(b)	
E.POM Steven Weber	Abuse: Police Officer Steven Weber threatened to arrest § 87(2)(b)	
F.SGT Ricardo Montilla	Abuse: Sergeant Ricardo Montilla refused to provide his name and shield number to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.SGT Ricardo Montilla	Discourtesy: Sergeant Ricardo Montilla spoke discourteously to § 87(2)(b)	

Case Summary

On July 6, 2017, Sgt. Ricardo Montilla of PSA 4 filed this complaint with IAB via telephone, generating original log number 17-25974. After speaking with § 87(2)(b) a second IAB log was generated under original log number 17-25985. This case was received at the CCRB on July 12, 2017.

On July 6, 2017, at approximately 8:10 P.M., PO Steven Weber and PO Kevin Chan, both of PSA 4, handcuffed § 87(2)(b) in front of Apt. § 87(2)(b) at § 87(2)(b) in Manhattan. § 87(2)(b) and § 87(2)(b) were both arrested for § 87(2)(b). PO Tiffany Bruce, also of PSA 4, entered Apt. § 87(2)(b) without permission (**Allegation A: Abuse of Authority, § 87(2)(g)**). Sgt. Montilla pushed § 87(2)(b) who was 13 years old at the time of this incident, § 87(2)(b) and others (**Allegation B: Force, § 87(2)(f)**) in the vicinity of the arrest and threatened to arrest them (**Allegation C: Abuse of Authority, § 87(2)(g)**). PO Weber pushed § 87(2)(b) (**Allegation D: Force, § 87(2)(g)**) and threatened to arrest him (**Allegation E: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) requested Sgt. Montilla's name and shield number but he refused to provide the information (**Allegation F: Abuse of Authority, § 87(2)(g)**). When § 87(2)(b) whose full legal name is unknown, approached Sgt. Montilla to tell him he witnessed the incident, Sgt. Montilla responded, "You witnessed it? You're a crack head" (**Allegation G: Discourtesy, § 87(2)(g)**).

Video footage for this incident was provided by § 87(2)(b) [BRs 01 and 02] and was obtained from NYCHA [BRs 03, 04, and 05]. § 87(2)(g)

Findings and Recommendations

Allegation A - Abuse of Authority: Police Officer Tiffany Bruce entered § 87(2)(b) in Manhattan.

In her sworn statement, § 87(2)(b) said that she was informed by her nephews that PO Bruce entered § 87(2)(b) in Manhattan without permission [BRs 06 and 07]. § 87(2)(g)

As per PO Bruce's statement, § 87(2)(b) gave her consent to enter the residence [BR 08]. A call was placed to § 87(2)(b) on October 26, 2017, and she said that she did not wish to participate in the investigation [BR 09]. § 87(2)(g)

Allegation B – Force: Sergeant Ricardo Montilla used physical force against § 87(2)(b) and individuals.

Allegation C – Abuse of Authority: Sergeant Ricardo Montilla threatened to arrest § 87(2)(b) and individuals.

It is undisputed that § 87(2)(b) attempted to prevent officers from arresting § 87(2)(b) and that Sgt. Montilla grabbed her and moved her out of the way. It is further undisputed that Sgt. Montilla threatened to arrest § 87(2)(b) and others in the hallway as PO Weber and PO Chan attempted to effect the arrest of § 87(2)(b) § 87(2)(g)

According to § 87(2)(b) who was interviewed at the CCRB on July 21, 2017, she and her family started walking towards § 87(2)(b) who was being handcuffed at the far end of the hallway, when Sgt. Montilla yelled for them to stop and stay back. The group complied. The children were upset and crying at the time and were reaching out to § 87(2)(b) who was still at the far end of the hallway. Sgt. Montilla pushed § 87(2)(b) and kept pushing people out of the way as the officers brought § 87(2)(b) out of the building. Sgt. Montilla threatened to arrest § 87(2)(b) and the rest of the group. Sgt. Montilla grabbed § 87(2)(b) around each of her biceps and pushed her onto the wall sideways, causing § 87(2)(b) to hit the side of her head on the wall. § 87(2)(b) did not say anything to Sgt. Montilla or attempt to touch him prior to when he grabbed her. PO Chan and PO Weber were still at the far end of the hallway at the time. § 87(2)(b) continued crying and Sgt. Montilla said, “I said relax, stay back” and pushed § 87(2)(b) into the wall twice more the same way as before. The group moved out of the way as PO Weber and PO Chan brought § 87(2)(b) down the hallway.

§ 87(2)(b) was § 87(2)(b) old at the time of this incident and also provided testimony on July 21, 2017. She said that she was in front of the group and was more than halfway down the hall when Sgt. Montilla started waving his arms and pushing the group back [BR 10]. There were approximately 25 to 30 people in the hallway that were trying to get to § 87(2)(b). Sgt. Montilla was telling the group to back up and then grabbed § 87(2)(b) by the shoulders and began to push her back separately from the group. At the time, § 87(2)(b) was trying to get closer to § 87(2)(b) and the apartment. When Sgt. Montilla was distracted with moving other individuals back, she was able to reach § 87(2)(b) and hold her arm in an attempt to “stop her from getting arrested.” PO Weber and PO Chan were escorting § 87(2)(b) out of the hallway so she was unable to hold § 87(2)(b) arm for long. When Sgt. Montilla noticed this, he looked at § 87(2)(b) and began to push her back towards the end of the hallway again. § 87(2)(b) was standing a short distance from the wall when Sgt. Montilla grabbed her by the shoulders with both hands again and pushed her back towards the wall. The left side of § 87(2)(b)'s head made contact with the wall, and she remained in place for approximately five seconds. § 87(2)(b) believed that Sgt. Montilla intentionally pushed her into the wall. Sgt. Montilla continued to push § 87(2)(b) and her head “bumped” against the wall twice more. § 87(2)(b) did not complain to any officers about her injury and did not want to go to the hospital as she wanted to stay with her family. However, § 87(2)(b) requested the ambulance anyway.

§ 87(2)(b) who was interviewed at the CCRB on July 21, 2017, encountered the officers outside and arrived on scene after § 87(2)(b) was brought out of the building. When § 87(2)(b) approached Sgt. Montilla to try and talk to him, Sgt. Montilla pushed him [BR 11].

Sgt. Montilla provided testimony for this incident on November 14, 2017. He stated that a group of people, including § 87(2)(b) were “charging” at the officers as § 87(2)(b) was being arrested [BR 12]. § 87(2)(b) grabbed onto § 87(2)(b) and pushed the officers out of the way to prevent them from handcuffing her. One officer pulled § 87(2)(b) off and told her to stay back. Sgt. Montilla did not recall which officer took this action because he turned around to ensure no one else jumped on § 87(2)(b). § 87(2)(b) then ran and jumped onto § 87(2)(b) a second time and started pushing and struggling with the officers. At that point, Sgt. Montilla grabbed her by her shoulders or arms/elbows, turned her around, put her behind him, and told her to stay back. Sgt. Montilla did not observe § 87(2)(b) make any contact with the wall and at no point did § 87(2)(b) complain of sustaining any kind of injuries. Sgt. Montilla did not recall pushing anyone in the hallway but acknowledged informing the group that he did not want

to have to arrest § 87(2)(b) or anyone else. Sgt. Montilla could have charged the group with obstructing governmental administration and added that § 87(2)(b) could have also been charged with assaulting a police officer when she jumped on the officers. Sgt. Montilla did not recall the exact words he used when he informed the civilians that he did not want to have to arrest them. Once outside, Sgt. Montilla encountered § 87(2)(b) who was angry and running towards him, yelling that he “beat his daughter.” Sgt. Montilla extended his arms in front of him and instructed § 87(2)(b) to stop and stay back. Sgt. Montilla did not recall making any physical contact with § 87(2)(b) at that point and did not recall pushing him.

PO Chan and PO Weber were consistent that a large group of people entered the hallway as § 87(2)(b) was being escorted away from the apartment [BRs 13 and 14, respectively]. They were also consistent that the group was rowdy and that the hallway was chaotic. PO Chan stated that PO Weber and Sgt. Montilla extended their arms on both sides to form a barricade in the hallway and prevent the group from reaching § 87(2)(b) and noted that some children made it past Sgt. Montilla and PO Weber’s barricade. PO Chan further stated that upon hearing the group in the hallway, individuals from the apartment came into the hallway and grew bigger from behind. PO Chan also noted that several family members were clinging onto § 87(2)(b) after she was handcuffed.

PO Chan provided testimony on September 20, 2017 [BR 13] and PO Weber was interviewed on October 16, 2017 [BR 14]. PO Chan stated that he did not observe Sgt. Montilla push any civilian in the hallway and did not see him make any physical contact with any civilians. PO Weber said that Sgt. Montilla was behind him in the hallway and, as a result, he was not aware of anything that transpired between Sgt. Montilla and any civilians in the hallway. PO Chan and PO Weber did not hear Sgt. Montilla threaten to arrest any civilians on scene. However, PO Weber noted that the individuals in the hallway could have been arrested for obstructing governmental administration. Neither PO Chan nor PO Weber recalled seeing § 87(2)(b) on scene. PO Weber was also shown a photo of § 87(2)(b) and said that he did not recall her specifically from the incident.

PO Bruce stated that she was instructed to escort § 87(2)(b) out of the building through the back and was not in the building when the group entered the hallway. As a result, she was not in the proper vicinity to testify to anything that occurred in the hallway.

As per PO Bruce’s memo book entry for this incident [BR 15], while escorting § 87(2)(b) into the RMP, § 87(2)(b) stated that Sgt. Montilla hit § 87(2)(b) causing her to hit her head on the hallway wall. PO Bruce further notes that she was not there nor did she witness the incident.

As per the Aided Report prepared for § 87(2)(b) by PO Bruce [BR 23], § 87(2)(b) stated that while taking police action, § 87(2)(b) did sustain an injury to her head due to police action as § 87(2)(b) attempted to stop § 87(2)(b) from being arrested. § 87(2)(b) was refusing medical attention and § 87(2)(b) had to be physically placed into the awaiting ambulance by § 87(2)(b).

Sgt. Montilla’s memo book [BR 24] notes that EMS was called after § 87(2)(b) complained that § 87(2)(b) was injured. The entry further notes that § 87(2)(b) refused EMS and was forced by § 87(2)(b).

The TRI prepared by Sgt. Montilla for this incident [BR 25] notes that no force was used, that no injuries were sustained, and that § 87(2)(b) refused medical attention but was removed to the hospital. Sgt. Montilla’s actions were found in compliance with Department Procedures.

The ISAR prepared for this incident [BR 26] notes that Sgt. Montilla was informally interviewed and stated that while placing § 87(2)(b) and § 87(2)(b) in handcuffs, approximately 30 people came to the location and began screaming and yelling at the responding officers. At this time, § 87(2)(b) ran through the crowd and jumped on § 87(2)(b) in an attempt to prevent PO Weber and PO Chan from arresting her. § 87(2)(b) was removed by one officer and then made a second attempt to shield § 87(2)(b) from being arrested. Sgt. Montilla then “gently grabbed” § 87(2)(b) moved her to the side, and told her to stand back. Sgt. Montilla then instructed PO Weber and PO Chan to bring § 87(2)(b) to the RMP while he stayed back to prevent further interference. Sgt. Montilla called an ambulance for § 87(2)(b) but she refused to get on and had to be forced by § 87(2)(b).

According to the Pre-Hospital Care Report prepared for this incident [Privileged Documents 01], EMS encountered § 87(2)(b) standing and walking around. § 87(2)(b) reported that § 87(2)(b) was being arrested and when the police told them to move back, the police pushed § 87(2)(b) causing her to hit her head on a wall. § 87(2)(b) stated she had a minor headache. There was no bleeding or obvious injury.

As per § 87(2)(b)'s medical records from § 87(2)(b) [Privileged Documents 02], § 87(2)(b) reported that NYPD was trying to arrest a family member and § 87(2)(b) was shoved into the wall, hitting her head. The records further note that § 87(2)(b) presented a mild headache after hitting her head on a wall, and that she was shoved into a wall three times by NYPD while they were arresting her aunt. As per the visit summary, § 87(2)(b) had a superficial headache that was resolved with Tylenol.

Video footage obtained from NYCHA depicts a group of 11 civilians – comprised of children and adults – entering the hallway from East 3rd Street and shows them as they proceed down the hallway towards the officers and § 87(2)(b) [BR 04]. Given the angle of the camera, it is unclear how close the group got to the officers and § 87(2)(b). The footage does partially capture PO Weber and PO Chan as they escort § 87(2)(b) down the hallway and shows Sgt. Montilla extend both arms sideways to create a barricade across the hallway to prevent the group from following the officers and § 87(2)(b). The footage appears to show a struggle between Sgt. Montilla and the group as he attempts to block them from reaching § 87(2)(b). It further appears as though the struggle brings Sgt. Montilla and a civilian to the wall. In his interview, Sgt. Montilla stated that the individual shown by the wall is too big to be § 87(2)(b) and appeared to be § 87(2)(b). The investigation concurred that the individual shown moving towards the wall does not match § 87(2)(b)'s physical profile and thus determined that the struggle shown does not depict the interaction between Sgt. Montilla and § 87(2)(b). Two civilians then pass Sgt. Montilla and approach PO Chan as he exits with § 87(2)(b). After Sgt. Montilla releases the barricade, the group follows him and the other officers out of the building.



2017-12-08_12-42-59.mp4



2017-12-11_16-44-23.mp4

As per New York State Penal Law §195.05, a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function [BR 16].

New York State Penal Law §205.30 states that a person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person [BR 32].

Patrol Guide Section 221-01 allows officers to use force when reasonable to place a person in custody or to prevent escape from custody [BR 33].

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation D – Force: Police Officer Steven Weber used physical force against § 87(2)(b)

[REDACTED]

Allegation E – Abuse of Authority: Police Officer Steven Weber threatened to arrest

§ 87(2)(b)

§ 87(2)(b) was § 87(2)(b) old at the time of this incident. A call was placed to his mother, § 87(2)(b) on September 27, 2017, and she allowed § 87(2)(b) to provide a statement to the CCRB regarding this incident [BR 42]. Two calls were placed to § 87(2)(b) on October 3, 2017, and October 19, 2017; with both calls, a voice message was left requesting a call back [BRs 17 and 18]. On the third contact attempt, § 87(2)(b) provided a phone statement [BR 19]. In his statement, § 87(2)(b) said that PO Weber pushed him and alleged that PO Weber threatened to arrest him if he did not listen. Three additional calls were placed to § 87(2)(b) after hours to obtain additional information about the incident [BRs 20, 21, and 22]. The subsequent contact attempts were unsuccessful and he could not be reached to clarify his allegations. § 87(2)(b)

[REDACTED]

Allegation F – Abuse of Authority: Sergeant Ricardo Montilla refused to provide his name and shield number to § 87(2)(b)

[REDACTED]

It is undisputed that Sgt. Montilla provided his name and shield number at some point during this incident. § 87(2)(g)

§ 87(2)(b) alleged that she requested Sgt. Montilla's name and shield number but that he refused to provide the information to her and further stated that Sgt. Montilla did not provide his information until after § 87(2)(b) began recording. She added that Sgt. Montilla's shield was around his neck but was under his shirt

§ 87(2)(b) stated that when § 87(2)(b) requested Sgt. Montilla's name and asked to see his badge, he responded by covering his badge with his hand and then putting it under his shirt.

As mentioned, § 87(2)(b) did not arrive on scene until after the group had exited the building and therefore could not testify directly to anything that occurred inside the building.

PO Chan did recall that as he was placing § 87(2)(b) into the RMP, a civilian requested Sgt. Montilla's name and shield number. PO Chan did not recall if a man or woman requested the information. Sgt. Montilla provided his name and shield number verbally at that point. PO Chan did not know if anyone requested Sgt. Montilla's name and shield number while still inside the building and did not hear Sgt. Montilla refuse to provide his name or shield number to any civilian inside the building. PO Chan did not see Sgt. Montilla put his shield inside his shirt or cover his shield.

PO Weber did not recall hearing any civilian request Sgt. Montilla's name and shield number and did not hear Sgt. Montilla refuse to provide that information during the incident. PO Weber did not recall if Sgt. Montilla's shield was visible during the incident or if he covered his shield or put it under his shirt at any time.

PO Bruce stated that as they were walking to East 3rd Street from East 4th Street, someone did request Sgt. Montilla's name and shield number. PO Bruce did not hear anyone request Sgt. Montilla's name and or shield number while inside the building and PO Bruce did not hear Sgt. Montilla refuse to provide his name and/or shield number at any point. Sgt. Montilla's shield was visible on a chain around his neck because he brought it out from under his shirt as they entered the building initially. PO Bruce did not observe Sgt. Montilla put his shield back under his shirt or see him cover his shield with his hand at any point.

Sgt. Montilla stated that when § 87(2)(b) began yelling that she was going to make a complaint against Sgt. Montilla for pushing § 87(2)(b) into the wall, he stated his name and shield number multiple times in an attempt to diffuse the situation and show that he was not trying to withhold information from them. Sgt. Montilla's shield was still visible around his neck and he did not put his hand over his shield or obstruct it from being seen at any point. Sgt. Montilla did not recall putting his shield under his shirt during the incident and denied the allegation that he refused to provide § 87(2)(b) with his name and shield number.

According to the ISAR prepared for this incident, Sgt. Montilla stated that he provided his name and shield number to § 87(2)(b) and § 87(2)(b) on scene.

Video footage obtained from NYCHA shows Sgt. Montilla as he exits the hallway. However, due to the quality of the footage, it is unclear if Sgt. Montilla's shield was visible at that time.

§ 87(2)(b) provided video footage in which Sgt. Montilla is shown providing his shield number verbally to the group outside. Sgt. Montilla's shield is visible and is hanging from a chain around his neck.



2017-12-11_10-37-17.mp4

§ 87(2)(g)

§ 87(2)(g)

Allegation G – Discourtesy: Sergeant Ricardo Montilla spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that a resident of the building, known only by the nickname § 87(2)(b) told Sgt. Montilla that he had witnessed the incident. Sgt. Montilla responded, “You witnessed it? You’re a crack head.” § 87(2)(b) described § 87(2)(b) as a Hispanic male, approximately 30 years old, 5’9” tall, with an afro, and noted that he lives on either the § 87(2)(b) of § 87(2)(b) in Manhattan.

Neither § 87(2)(b) nor § 87(2)(b) mentioned this interaction in their statements.

A search of CLEAR was performed on August 14, 2017, for contact information for § 87(2)(b) using the building’s address and floor numbers, but no clear matches were identified [BRs 34 and 35]. A search was also performed for individuals named “§ 87(2)(b)” that reside on § 87(2)(b) in Manhattan [BR 36]. One individual with the name § 87(2)(b) was shown as residing at § 87(2)(b); however, he was listed as § 87(2)(b) old and therefore was not pursued as an investigative lead [BR 37]. A search of LexisNexis was also performed on August 14, 2017. Searches for § 87(2)(b) and “§ 87(2)(b)” were performed for the building’s address and did not yield any clear matches to the individual involved in this incident [BRs 38, 39, 40, and 41]. Absent additional information about the individual, the investigation was unable to identify and obtain a statement from § 87(2)(b).

PO Chan stated that he was outside with § 87(2)(b) for 20 seconds before transporting her and during that time did not hear Sgt. Montilla say, “You witnessed it? You’re a crack head” and did not hear Sgt. Montilla refer to any civilian as a crack head.

Once outside, PO Weber was focused on placing § 87(2)(b) in the patrol and was not paying attention to Sgt. Montilla. PO Weber did not hear Sgt. Montilla state, “You witnessed it? You’re a crack head” and did not hear Sgt. Montilla refer to any civilians outside as a crack head.

PO Bruce said that an individual did approach Sgt. Montilla saying that he witnessed the incident but she did not recall what Sgt. Montilla’s response was. PO Bruce described the man as a light skinned African American male and estimated he was approximately 5’10” tall.

Sgt. Montilla did state that one female approached him about § 87(2)(b) arrest but she did not witness the dispute. No one approached Sgt. Montilla about witnessing the incident in the hallway. Sgt. Montilla did not recall stating, “You witnessed it? You’re a crack head” and did not recall referring to any civilian as a crack head.

Although a statement could not be obtained from § 87(2)(b) regarding this allegation, § 87(2)(b) did testify in his CCRB interview that Sgt. Montilla spoke discourteously to § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) Unknown [BRs 27, 28, 29, 30, 31, and 43 respectively].
- PO Tiffany Bruce has been a member of the service for 10 years and has four prior CCRB allegations against her including the use of force, threat of arrest, refusal to provide name and/or shield number, and threat of force. All four allegations were closed as unsubstantiated. In CCRB case 201709676, PO Bruce is currently listed as the subject of a refusal to provide her name and shield number. The case is still under investigation.
- PO Weber has been a member of the service for four years and has no prior CCRB allegations against him.
- Sgt. Montilla has been a member of the service for nine years § 87(2)(b) Of the remaining allegations, an offensive language allegation was closed as complainant uncooperative, a stop allegation was closed as unfounded, and a threat of arrest allegation was exonerated.

Mediation, Civil and Criminal Histories

- Given the arrest of § 87(2)(b) during this incident and § 87(2)(b)'s personal injury, this case was not considered suitable for mediation.
- A Notice of Claim request was submitted on December 8, 2017, and will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: ____6____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer:

Signature

Print Title & Name

Date